

**ATTACHMENT I**  
**RESPONSIVENESS SUMMARY**  
**FOR THE FOLLOWING DRAFT PERMITS**

**Orocovis WTP (PR0022705)**  
**Juncos WTP (PR0022811)**

On June 24, 2011, the United States Environmental Protection Agency (EPA) issued draft National Pollutant Discharge Elimination System (NPDES) permits for Water Treatments Plants (WTP's) owned by the Puerto Rico Aqueduct and Sewer Authority (PRASA) listed above.

According to 40 Code of Federal Regulations (CFR) §124.17, at the time that any final permit decision is issued under §124.15, EPA shall issue a response to comments. This response shall (1) specify which provisions, if any, of the draft permit have been changed in the final permit decision and the reasons for the change; and (2) briefly describe and respond to all significant comments on the draft permit raised during the public comment period, or during any hearing.

Comments on behalf of PRASA were received from the following addresses:

Puerto Rico Aqueduct and Sewer Authority  
PO Box 7066  
Barrio Obrero Station  
San Juan, PR 00916

All the comments received have been reviewed and considered in this final permit decision. A summary of and response to the comments received follows:

**A. GENERAL COMMENT**

In its comment letter PRASA has raised a number of issues, many of which address inclusion in the permit of conditions contained in the Water Quality Certificate (WQC) issued by EQB.

**Response 1:**

EPA is providing a generalized response to PRASA's comments which relate to requirements in EQB's WQCs.

Section 301(b)(1)(C) of the Clean Water Act (CWA) requires that there be achieved effluent limitations necessary to assure that a discharge will meet Water Quality Standards (WQS) of the applicable State and Federal laws and regulations where those effluent limitations are more stringent than the technology-based effluent limitations required by Section 301(b)(1)(A) of the CWA. Section 401(a)(1) of the CWA requires that the State certify that the discharge will comply with the applicable provisions of sections 301, 302, 303, 306 and 307 of the CWA.

Pursuant to Section 401(d) of the CWA any certification shall set forth any effluent limitations and other limitations, and monitoring requirements necessary to assure that any applicant for a Federal permit will comply with any applicable effluent limitations and other limitations under section 301 or 302 of the CWA, and with any other appropriate requirement of State law set forth in such certification. Also, 40 C.F.R. 122.44(d) requires that each NPDES permit shall include requirements which conform to the conditions of a State Certification under Section 401 of the CWA that meets the requirements of 40 C.F.R. 124.53. Similarly, 40 C.F.R. 124.55 requires that no final NPDES permit shall be issued unless the final permit incorporates the requirements specified in the certification under §124.53. Concerning the certification requirements in 40 C.F.R. 124.53(e)(1), they specify that all Section 401(a)(1) State certifications must contain conditions which are necessary to assure compliance with the applicable provisions of CWA sections 208(e), 301, 302, 303, 306, and 307 and with appropriate requirements of State law.

EQB issued final WQCs certifying that pursuant to Section 401(a)(1) of the CWA, after due consideration of the applicable provisions established under Sections 208(e), 301, 302, 303, 304(e), 306 and 307 of the CWA concerning water quality requirements, there is reasonable assurance that the discharge will not cause violations to the applicable WQs, provided that the effluent limitations set forth in the WQCs are met by the above facility.

The effluent limitations (where more stringent than technology-based effluent limitations), monitoring requirements and other appropriate requirements of State law (including footnotes, Special Conditions, etc.) specified in the final WQC issued by the EQB were incorporated by EPA into the NPDES permit as required by Section 301(b)(1)(C) and 401(d) of the CWA and the applicable regulations. Therefore, concerns and comments regarding the WQC must be directed to EQB or to the Superior Court.

Also, in the event that EPA receives a revised or modified WQC, we would consider modification of this permit, subject to all applicable federal requirements, to include revised WQC requirements and conditions.

## **B. PRASA GENERAL COMMENTS**

- 1) **Comment: Substances that are not inherent to the treatment process** [The following comment was received for Orocovis & Juncos WTPs].

PRASA is very concerned that the referenced draft NPDES permit fail to recognize that the operation of the plant is inherently incapable of producing many of the limited substances. The Environmental Protection Agency (EPA) should review the draft permit to reflect the operation of this plant. The presence of these parameters, if any, is due to the incoming river water. The filter plant is not designed to remove any of these substances. PRASA is not responsible of their presence in the discharge of our WTPs.

PRASA has no control over the fluctuation in concentration of these substances. They may already be at concentrations higher than the applicable water quality standards (WQS) in the

river. They pass through the filter plants processes. The coagulation and settling processes are not capable of removing them. As a result they may be found in our effluent at concentrations above the standards. PRASA could be penalized for violations beyond its control. Controlling a discharger of contaminants that is not the source of them will in no way help restore or control the river water quality.

**Response:** EPA has incorporated this Special Condition pursuant to the final WQC mandated by EQB. See response to A.1., above.

- 2) **Comment: Table A-1- Flow** [The following comment was received for Orocovis WTP.]

On June 3, 2008, PRASA submitted the permit renewal application for the referenced plant. The application included an effluent limitation of 0.274 MGD (daily maximum). Taking into consideration all the filter backwashes and sedimentation tanks drains that could occur in one day. However, the draft WQC included a daily maximum effluent limitation of 0.144 MGD, which is the existing permit limitation.

Based on the above, PRASA requests that the daily maximum flow limitation of 0.274 MGD be established in Table A-1, according to the NPDES renewal application.

**Response:** EPA has incorporated this limitation pursuant to the final WQC mandated by EQB. See response to A.1., above.

- 3) **Comment: Table A-1- Total Dissolved Solids:** [The following comment was received for both WTPs listed above]

Based on its continuous compliance, PRASA requests that this parameter be deleted from Table A-1

PRASA does not understand why EPA still includes this parameter in Table A-1 or could reduce even more the monitoring frequency. The data set attached clearly indicate that this parameter is not a parameter of concern.

**Response:** EPA has incorporated this limitation pursuant to the final WQC mandated by EQB. See response to A.1., above.

- 4) **Comment: Table A-1- Zinc:** [The following comment was received for Orocovis WTP.]  
Based on its continuous compliance, PRASA requests that this parameter be deleted from Table A-1

PRASA does not understand why EPA still includes this parameter in Table A-1 or could reduce even more the monitoring frequency. The data set attached clearly indicate that this parameter is not a parameter of concern, after removing the obvious outliers (5) from a set of data of more than six years.

**Response:** EPA has incorporated this limitation pursuant to the final WQC mandated by EQB. See response to A.1., above.

- 5) **Comment: Table A-1- Arsenic:** [The following comment was received for Juncos WTP.] Based on the revised water quality standard of 10 µg/l for SD waters, PRASA requests that this parameter be deleted from Table A-1.

PRASA does not understand why EPA still includes this parameter in Table A-1 considering the changes included in the Puerto Rico Water Quality Standards Regulation (WQSR), as amended in 2010. The data set attached clearly indicate that this parameter is not a parameter of concern, after removing the obvious outliers (5) from a set of data of more than five years.

**Response:** EPA has incorporated this limitation pursuant to the final WQC mandated by EQB. See response to A.1., above.

- 6) **Comment: Table A-1- Sulfide:** [The following comment was received for Juncos WTP.] Based on its continuous compliance, PRASA requests that this parameter be deleted from Table A-1

PRASA does not understand why EPA still includes this parameter in Table A-1 or could reduce even more the monitoring frequency. The data set attached clearly indicate that this parameter is not a parameter of concern.

**Response:** EPA has incorporated this limitation pursuant to the final WQC mandated by EQB. See response to A.1., above.

- 7) **Comment: Special Condition 1:** [The following comment was received for Orocovis WTP.]

Based on our Comment II.A, the flow effluent limitation included in this special condition must be modified to 0.274 MGD.

**Response:** EPA has incorporated this special condition pursuant to the final WQC mandated by EQB. See response to A.1., above.

**Comment: Special Condition 14 (Orocovis WTP); and Special Condition 15 (Juncos WTP):** This special condition must be modified to include the phrase “under the supervision of” after the phrase “must be operated”. The special condition shall read as follows:

“All water and wastewater treatment facilities, whether publicly or private owned, must be operated **under the supervision of** a person licensed by the Potable Water and Wastewater Treatment Plants Operators Examining Board of the Commonwealth of Puerto Rico”.

PRASA has been requesting to EQB and EPA to modify this special condition according to the comment above. However, our petition has never been granted. In their response, EQB refers to Article 7 of Law 53 of July 13, 1978, as amended and EPA makes reference to EQB's response.

Article 2 of Law 29 adds the definition of direct supervision, as follows (Spanish version included):

“(i) *Supervisión directa* – Se entenderá como supervisión directa la acción de inspeccionar, velar, y tomar decisiones sobre los procesos e integridad de los sistemas y/o plantas de tratamiento, así como las actividades operacionales diarias de estos sistemas y/o plantas que pueda impactar directamente la calidad y/o cantidad de agua potable, fuente o cuerpo de agua y salud pública. Esa supervisión directa será ejercida por operadores certificados que estén disponibles, y asea físicamente presentes en los predios del sistema y/o planta, o disponible a una distancia geográfica cercana a los predios del sistema y/o planta, donde se le pueda conseguir o alertar por cualquier medio tecnológico de comunicación confiable y rápido para que, dentro de un período razonable de tiempo, inicie la acción responsiva que amerite en caso de alguna emergencia o tome las decisiones pertinentes sobre los controles de procesos e integridad de los sistemas y/o plantas de tratamiento, así como las actividades operacionales diarias de estos sistemas y/o plantas que pueda impactar directamente la calidad y/o cantidad de agua potable,, fuente o cuerpo de agua, y la salud pública.”

Moreover, Article 7 was amended as follows:

“Todos los sistemas y/o plantas de tratamiento de agua potable y aguas usadas, públicas o privadas tendrán que operar bajo la supervisión directa de un (1) operador certificado mediante licencia para la clase y categoría correspondiente o mayor.”

Based on the above, PRASA requests that this special condition be modified according to the amendments made by Law 29.

**Response:** EPA has incorporated this Special Condition pursuant to the final WQC mandated by EQB. See response to A.1., above.